



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Microcom
File: B-227267
Date: August 7, 1987

DIGEST

Protest that agency improperly evaluated proposals is denied where protester indicates its disagreement with the agency's evaluation but does not demonstrate that the evaluation was unreasonable.

DECISION

Microcom protests the award of a contract to Satellite TV Systems under Department of the Air Force request for proposals (RFP) No. F6501-86-R-0045. The RFP was for the purchase and installation of a Television Receive Only (TVRO) Satellite System at Shemya Air Force Base, Alaska. Microcom asserts that the Air Force improperly evaluated the proposals and that as the low, technically superior offeror, it should have received the contract award. Microcom also requests reimbursement of the costs it incurred in submitting its proposal and this protest.

We deny the protest and the claim for costs.

The Air Force received four proposals, evaluated them, held written discussions with each offeror and requested best and final offers (BAFO's), which then were evaluated and scored. The combined technical and cost scores of Microcom and Satellite TV were 79.7 and 89.2, respectively. Microcom's proposed cost was \$392,000 and Satellite TV's was \$445,588.22. The Air Force awarded the contract to Satellite TV because, in its judgment, Satellite TV offered a superior technical proposal at a fair and reasonable price.

The RFP provided that, in addition to cost, the following factors, listed in descending order of importance, would be used to evaluate the proposals:

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(A) Response to the Technical Specification Requirements;

(B) Design Capabilities, Ease of Operation and Ease of Expansion;

(C) Reliability (Mean Time Between Failure) and Maintainability (Mean Time Between Repair); and

(D) Delivery and Installation, to Include Approach to Testing the Installed System.

Microcom argues that the only objective way to compare performance of the systems is by establishing and comparing each system's Carrier to Noise (C/N) and Signal to Noise (S/N) ratio.^{1/} Microcom argues that according to its calculations, based on information the Air Force has released to the firm, Microcom's proposed system has a greater C/N and S/N ratio than the system proposed by Satellite TV, so that Microcom should have received a higher score than Satellite TV for the first evaluation factor, Response to the Technical Specification Requirements. Microcom further asserts that Microcom and Satellite TV should have received the same evaluation scores for the second and third factors because, according to Microcom, it ". . . is incomprehensible that the Mean Time Between Failure or the Mean Time between Repair of either system is actually any different" and because "to say that either of these two systems is easier to use or expand is incomprehensible." Microcom believes that its proposal therefore should have received a higher total technical score than the proposal submitted by Satellite TV and that since Microcom also offered to perform the contract at a lower cost, it was entitled to the award.

Since the evaluation of technical proposals is inherently a subjective process, in reviewing protests of allegedly improper evaluations our Office will not substitute its judgment for that of the agency's evaluators, but rather will examine the record to determine whether the evaluators' judgments were reasonable and in accordance with the listed criteria and whether there were any violations of procurement statutes and regulations. Dalfi, Inc., B-224248, Jan. 7, 1987, 87-1 C.P.D. ¶ 24. In this regard, the protester bears the burden of proving that the agency's evaluation was unreasonable, and this burden is not met by

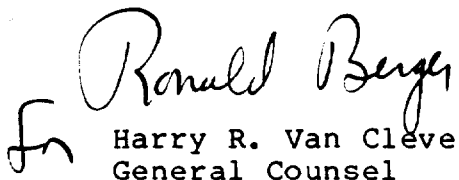
^{1/} The ratios measure the signal strength against background noise and indicate the level at which a reception will be free of impulse noise. The higher the ratio, the better the quality of the picture.

the protester's disagreement with the evaluation or its good faith belief that its own proposal should have achieved a higher rating. Id.; Pacord, Inc., B-224520.2, Mar. 6, 1987, 87-1 C.P.D. ¶ 255.

We find that Microcom's arguments do no more than reflect its disagreement with the Air Force's evaluation, and that Microcom has not demonstrated that the Air Force's decision that Satellite TV's system is technically superior is unreasonable. Initially, Microcom's bare statement that its system and the system offered by Satellite TV should have received equal scores for the second and third evaluation factors, without more, does not demonstrate that the scores in fact should have been equal. Further, the evaluation factor Response to the Technical Specification Requirements encompassed more than just an evaluation of the system's C/N and S/N ratios. Thus, even if we accept Microcom's argument that its system has a higher S/N and C/N ratio, this does not demonstrate that Microcom's proposal should have received a higher score in that technical evaluation area than the system proposed by Satellite TV.

Moreover, in a negotiated procurement, there is no requirement that award be made on the basis of lowest cost, if an award to the higher technically rated, higher cost, offeror is consistent with the evaluation criteria and the agency determines, as did the Air Force here, that the technical difference outweighs the cost difference. Dalfi, Inc., B-224248, supra. Since based on Microcom's protest we cannot conclude that Microcom should have received a higher technical score than Satellite TV, or that the Air Force's evaluation and selection judgment's otherwise were unreasonable, we have no basis on which to object to the award decision.

The protest is denied. Microcom therefore also is not entitled to recover its proposal preparation or protest costs. See Corporate Health Examiners, Inc., B-220399.2, June 16, 1986, 86-1 C.P.D. ¶ 552.


Harry R. Van Cleve
General Counsel